IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

OP.No. 16398 of 1999(B)

PETITIONER:

M/S. A.J. HOSPITAL,
KAZHAKKUTTOM,
THIRUVANANTHAPURAM,
PIN - 695582, REPRESENTED BY ITS
GENERAL MANAGER, A.M. SALI.

BY ADV. SRI.M.SASINDRAN.

RESPONDENTS:
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1. **THE KERALA STATE ELECTRICITY BOARD,**
   PATTOM, THIRUVANANTHAPURAM - 4,
   REPRESENTED BY ITS SECRETARY.

2. **THE STATE OF KERALA, REPRESENTED BY THE**
   PRINCIPAL SECRETARY TO GOVERNMENT,
   POWER (C) DEPARTMENT, THIRUVANANTHAPURAM-1.

3. **THE ASSISTANT EXECUTIVE ENGINEER,**
   ELECTRICAL MAJOR SECTION,
   KAZHAKKUTTOM, THIRUVANANTHAPURAM - 695 582.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 22/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P. NO. 16398/1999-B:

ORDER ON C.M.P. NO. 26673/1999 IN O.P. NO. 16398/1999-B

DISMISSED

22/10/2007. **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE LETTER NO. BB9/97-98/93 DTD. 06/01/1998 FROM THE R.3.

EXT.P.2: COPY OF THE BILL DTD. 02/01/1998 FOR RS. 1,97,332/-.

EXT.P.3: COPY OF THE REPRESENTATION DTD. 19/01/1998 SUBMITTED BY THE PETITIONER BEFORE THE STATE OF KERALA (ADDRESSED TO THE CHIEF MINISTER OF KERALA).

EXT.P.4: COPY OF THE LETTER NO. 869/C2/98/PD DTD. 23/01/1998 ISSUED BY THE R.2.

EXT.P.5: COPY OF THE B.O. NO. 3225/98 (PLG. COM. 3639/98) DTD. 20/10/1998.

EXT.P.6: COPY OF THE PROCEEDINGS (ORDER) NO. B1-29161/93/CEI DD. 27/08/1994 OF THE CHIEF ELECTRICAL INSPECTOR TO GOVT. OF KERALA.

EXT.P.7:EXTRACT OF ORDER NO. GB1/22/95-96 1260/162.1998 DTD. 05/01/1998 OF THE EXECUTIVE ENGINEER, ELECTRICAL DIVISION, ERNAKULAM.

EXT.P.8: COPY OF THE GOVERNMENT LETTER NO. 2841/C2/99/PD DTD. 16/06/1999.

EXT.P.9: COPY OF THE REVISED BILL NO. 8602 WITH BILL DTD. SHOWN AS 15/01/98 FOR RS. 1,94,020/-.

RESPONDENT'S EXHIBITS: **NIL.**

//TRUE COPY//

prv.

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.16398 OF 1999

Dated this the 22nd day of October, 2007

JUDGMENT

Heard learned counsel for the petitioner and learned Standing Counsel for the K.S.E. Board.

2. The petitioner is a hospital. Following interim orders, the petitioner has deposited some amounts.

3. Having heard counsel for parties, it appears that the impugned demand, Ext.P2, requires a second look at the hands of the competent officers. Hence, this writ petition is disposed of directing that if the petitioner approaches the Consumer Grievances Redressel Forum of the K.S.E.Board within a period of 45 days from now, that Forum would consider the objections of the petitioner and take a final decision in the matter. If any dispute arises thereafter, the same can gain the attention of the Ombudsman. It is further directed that if the petitioner avails

the remedy before the Consumer Grievances Redressel Forum as directed above, the interim order passed on C.M.P. No.26673/99 will continue to govern the parties till disposal of the matter by that Forum.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

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JUDGMENT

22nd OCTOBER, 2007.

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